

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

Property Tax Bureau
Informational Guideline Release (IGR) No. 90-209
January 1990

LAW ENFORCEMENT TRUST FUND

Chapter 162 of the Acts of 1989
(Amending G.L. Ch. 94C §47)

SUMMARY:

This amendment to General Laws, Chapter 94C, Section 47, the Controlled Substances Act provides that law enforcement trust funds may be expended for the purposes specified in the statute without the necessity of any further appropriation by a municipality's appropriating body.

The law enforcement trust fund established by G.L. Ch. 94C §47, is composed of a portion of the proceeds from property seized from illegal drug related activities. The fund may specifically be used "to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants or for such other law enforcement purposes as, the chief of police ... deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department".

Prior to the amendment, a municipality was required to make a further appropriation before a police chief could expend any of the funds. The amendment changes the procedure to allow the police chief to expend from the funds without further appropriation.

GUIDELINES:

1. The Law Enforcement Trust Fund is to be established as a separate account under the custody of, the treasurer. **All** proceeds received under this statute should be credited to the fund rather than to local estimated receipts.
2. Interest does not remain with the fund, but goes into the general fund of the city or town.
3. The fund may be expended by the chief of police without prior appropriation.
4. The fund can be used to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds for federal grants or for any other law enforcement purpose recommended by the chief of police. However, the fund cannot be considered a revenue source to meet the needs of the police department.
5. Payment of the funds must go through the normal warrant process as must other municipal expenditures.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (informational Guideline Releases detailing legal and administrative procedures) and the BULLETIN (announcements and useful information) for local officials and others interested in municipal finance.

P.O. Box 9655, Boston, MA 02114-9655 (617) 626-2300
